

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

TODAY'S GROWTH CONSULTANT, INC. :
(dba THE INCOME STORE) :

and :

KENNETH D. COURTRIGHT, III, :

Defendants. :

Civil Action No. 1:19-cv-08454
(filed in the United States District
Court, Northern District of Illinois)

MELANIE E. DAMIAN, AS RECEIVER OF
TODAY'S GROWTH CONSULTANT, INC.
(dba THE INCOME STORE),

Plaintiff,

v.

CONKLIN WEB PROPERTIES, LLC d/b/a
CONKLIN MEDIA, CONKLIN MEDIA LLC,
CONKLIN & COURTRIGHT LLC,
PROSPECT MX, LLC, DAVE CONKLIN,
JODI CONKLIN, EMILY LASKO
and HALEY HIRTHLER

Defendants.

Civil Action No. 20-cv-06297

ORDER

AND NOW, this _____ day of _____, 2021, upon consideration of Plaintiff Melanie E. Damian's, as Receiver of Today's Growth Consultant, Inc. (dba the Income Store) (the "Receiver") Motion for Substitute Service on Prospect MX, LLC (the "Motion"), and finding that cause exists to grant the Motion, it is hereby ORDERED as follows:

1. The Motion is GRANTED; and .
2. The Receiver may serve Defendant Prospect MX, LLC by sending the Summons and Complaint by U.S. Mail to Defendant's address of 202 Little Hill, Lancaster, PA 17602.

JOHN M. GALLAGHER, U.S.D.J

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MELANIE E. DAMIAN, AS RECEIVER OF
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(dba THE INCOME STORE),

Civil Action No.:

5:20-cv-006297 (JMG)

Plaintiff,

v.

CONKLIN WEB PROPERTIES, LLC d/b/a
CONKLIN MEDIA, CONKLIN MEDIA LLC,
CONKLIN & COURTRIGHT LLC,
PROSPECT MX, LLC, DAVE CONKLIN,
JODI CONKLIN, EMILY LASKO and
HALEY HIRTHLER,

Defendants.

**PLAINTIFF'S MOTION FOR SUBSTITUTE
SERVICE ON DEFENDANT PROSPECT MX, LLC**

Melanie E. Damian, the court-appointed receiver ("Plaintiff" or the "Receiver") of Today's Growth Consultant, Inc. ("TGC") in the above-captioned enforcement action (the "SEC Action") moves for approval of a substitute method of service pursuant to 231 Pa. Code Rule

430, for purposes of serving the Summons and Complaint against Defendant Prospect MX, and states as follows:

1. In December 2020, the Receiver brought suit against defendant Prospect MX (“Defendant”) to accomplish the ends sought and directed by the District Court in the SEC Action, which, among other things, appointed Plaintiff as Receiver and authorized her to commence actions to recover assets of, and for the benefit of, the Receivership Estate. Defendant received transfers totaling \$79,350.00 over a period of nine months from TGC, which transfers were the proceeds of a fraudulent scheme perpetrated by TGC and its principal Kenneth D. Courtright, III. Further, Defendant’s receipt of funds from TGC was purportedly in exchange for internet marketing services that did not provide value to TGC.

2. The Complaint and Summons listed the address of the Defendant as 210 W. Grant Street, Lancaster, PA 17603, which is the address that appears on Defendant’s website (www.prospectmx.com/contact) (the “Website Address”). The Plaintiff retained Seagull Legal Services, Inc. (the “Process Server”) to attempt service of the Complaint and Summons on Defendant. However, when the Process Server arrived at the Website Address and made inquiries as to the Defendant, the Process Server learned that Defendant was not known or found at the warehouse located there.

3. Plaintiff then completed a Lexis Accurint search, which revealed two additional possible addresses for Defendant: (1) 221 Rohrerstown Road, Lancaster, PA 17603 (the “Rohrerstown Address”); and (2) 202 Little Hill, Lancaster, PA 17602, c/o Steve Young, Defendant’s Co-Founder and CEO (the “CEO Address”).

4. Accordingly, and after review of those search results, the Process Server attempted service at the Rohrerstown Address, but once again, Defendant was not found in the shopping center located there.

5. Following the first two unsuccessful attempts at the Website and Rohrerstown Addresses, the Process Server completed an additional five (5) attempts to serve Defendant at the CEO's Address. On one of these attempts, a female came to the door but refused to open it. She confirmed from behind the door that it was the residence of Steve Young, Defendant's CEO and Co-Founder, but asked the Process Server to leave the papers on the porch, which the Process Server could not do.

6. The Process Server has made seven attempts on various days, and at significant expense to Plaintiff, to serve Defendant at three different addresses, but has been unsuccessful. As set forth in the attached affidavit of the Process Server, Steve Young indeed appears to reside at the CEO Address but appears to be evading service by refusing to answer the door. *See* Affidavit of Due Diligence, attached as **Exhibit A**.

7. As explained above and supported by the attached affidavit, a diligent inquiry as to the location of Defendant has been made, and reasonable efforts to serve Defendant have been unsuccessful. Plaintiff has exercised significant diligence in the effort to serve Defendant.

8. Having exercised significant diligence over the last four months to have Defendant served, and in light of the pandemic which has resulted in many individuals, perhaps including Steve Young, isolating at home and not answering the door, it is proper and appropriate to effect substitute service of the Summons and Complaint via U.S. Mail. This would be consistent with the language of 231 Pa. Code Rule 430, which provides:

(a) If service cannot be made under the applicable rule the plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

9. Accordingly, Plaintiff requests that she be allowed to serve Defendant by sending the Summons and Complaint by U.S. Mail to the address of Defendant's CEO and Co-Founder Steve Young, as well as through any other method which the Court may be direct.

WHEREFORE, Plaintiff Melanie E. Damian, as the Court-appointed Receiver of TGC, respectfully requests on Order granting the following relief:

- a) That substitute service on Defendant be permitted, with a Summons and Complaint served by U.S. Mail as proposed above; and
- b) That the Court grant all other relief that it deems appropriate.

Dated: April 19, 2021

SEMANOFF ORMSBY
GREENBERG & TORCHA, LLC

/s/ Stephen C. Goldblum
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and

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*Co-Counsel for Plaintiff Melanie E. Damian,
as Court-Appointed Receiver (Admitted Pro Hac
Vice)*

EXHIBIT “A”

EXHIBIT A
Affidavit of Process Server

United States District Court- Eastern District of Pennsylvania
Case Number: 5:20-CV-6297-JMG

Melanie E. Damian v. Conklin Web Properties, LLC etal

I, **Joseph Valentine**, being duly sworn, depose and say I attempted to serve and make known to **Prospect MX, LLC** with a **Summons & Complaint** in the manner described below:

Attempted to serve at 210 W. Grant St., Lancaster, PA 17603 on 12/19/2020 at 12:20pm and company was not found or known at warehouse located there.

Attempted to serve at 221 Rohrerstown Rd., Lancaster, PA 17603 on 2/5/2021 at 1:25pm and company was not found in shopping center.

Attempted to serve at 202 Little Hill, Lancaster, PA 17602 c/o Steve Young on 2/19/2021 at 6:00pm but got no answer at residence, did see package with his name on it.

Attempted to serve at 202 Little Hill, Lancaster, PA 17602 c/o Steve Young on 2/20/2021 at 7:45am and saw a female taking package in from porch when pulling up but then would not open door for server when he knocked, she said it was the residence of Steve Young and to just to leave papers on porch which server legally could not do.

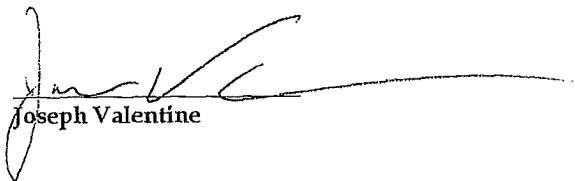
Attempted to serve at 202 Little Hill, Lancaster, PA 17602 c/o Steve Young on 2/24/2021 at 1:05pm but got no answer at residence.

Attempted to serve at 202 Little Hill, Lancaster, PA 17602 c/o Steve Young on 3/01/2021 at 4:45pm but got no answer at residence.

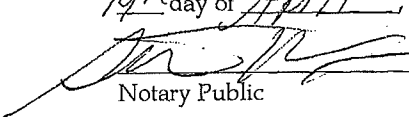
Attempted to serve at 202 Little Hill, Lancaster, PA 17602 c/o Steve Young on 4/15/2021 at 8:30pm but got no answer at residence.

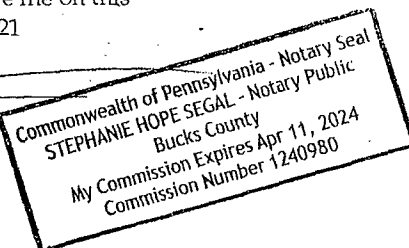
I certify that I have no interest in the above action, am of legal age, and that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

Date: **4/19/2021**


Joseph Valentine

Sworn to and subscribed before me on this
19th day of April, 2021


Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below, a true and correct copy of the foregoing was served by email and CM/ECF on the following:

Matthew Mark Hennesey, Esquire
Barley Snyder LLP
126 East King Street
Lancaster, PA 17601
mhennesey@barley.com

SEMANOFF ORMSBY
GREENBERG & TORCHIA, LLC

BY: */s/ Stephen C. Goldblum*
STEPHEN C. GOLDBLUM

DATE: April 19, 2021